

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
McGraw-Hill Broadcasting Co., Inc.)	File No. EB-02-IH-0619
)	NAL/Acct. No. 200432080007
Licensee of Station WRTV(TV))	FRN: 0003476827
Indianapolis, Indiana)	Facility ID # 40877
)	
)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: November 24, 2003

Released: November 26, 2003

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find that McGraw-Hill Broadcasting Co., Inc. (“M-H”), licensee of Station WRTV(TV), Indianapolis, Indiana, apparently violated section 73.3526 of the Commission’s rules,¹ by willfully and repeatedly failing to provide public access to the station’s local public inspection file. Based upon our review of the facts and circumstances in this case, we conclude that M-H is apparently liable for a forfeiture in the amount of Eight Thousand Dollars (\$8,000.00).

II. BACKGROUND

2. The Commission received a complaint from Mr. Martin Hensley arguing that Station WRTV(TV) did not comply with the Commission’s public file rule.² Mr. Hensley alleges that, on January 9, 2002, he visited the station and asked to see the station’s local public inspection file but was told that he could either wait as much as an hour to view the file or leave his name so that an appointment could be made. Mr. Hensley further alleges that, when he returned to the station later that same day to view the file, station personnel indicated that he could view only specific items. Mr. Hensley declares that, at first, he was allowed access only to letters from viewers sent in calendar years 1999 through 2001. He states that, eventually, he also reviewed some emails from viewers after making a separate request that he be permitted to do so. Mr. Hensley relates that, when he made a second visit to the station on January 14, 2002, he was initially requested to make an appointment. However, Mr. Hensley concedes that, ultimately, the station produced some, but not all, license term emails from viewers. Finally, Mr. Hensley claims that the station’s file included a copy of a coverage map that had been filed with the station’s construction permit application, but not a more accurate map that shows the station’s actual coverage. After reviewing the complaint, the staff of the Enforcement Bureau sent to the licensee a letter

¹ 47 C.F.R. § 73.3526.

² Letter from Martin L. Hensley to FCC (undated) (received June 18, 2002).

of inquiry (“LOI”) dated July 30, 2002, which included a copy of the complaint.³

3. Both before M-H responded to the Bureau’s LOI and shortly thereafter, the Commission received additional complaints concerning M-H’s compliance with the Commission’s local public inspection file rule. The first, from Mr. P. Frederick Pfenninger, alleges that, on July 11, 2002, he arrived at the station, asked to see the public file, and had to wait approximately 15 minutes before the receptionist informed him that no one was available to show him the file and that he would have to come back and make an appointment for another day.⁴ Another complainant, Ms. Pamela Jones, alleges that, on August 1, 2002, she was not allowed to browse through the file. Instead, she was asked specifically what documents she wished to see and was initially given only them to view.⁵ A third complainant, Ms. Canyce McAllister, contends that, on August 15, 2002, she was not allowed to view the station’s public file at all because she would not state why she wanted to see the file.⁶ A fourth complainant, Mr. George Price, states that he was allowed to see the file only after he had provided a reason for doing so and that he was limited to seeing only specific items, namely, complaints from the last three years. Even then, Mr. Price claims that he saw only four letters.⁷ All four complainants affirmed their allegations under penalty of perjury. Following review of the four additional complaints, the Enforcement Bureau staff sent a second LOI dated September 19, 2002, to M-H.⁸

4. In responding to the Bureau’s First LOI, M-H acknowledges that Mr. Hensley was not allowed to view the WRTV(TV) file during his first visit to the station.⁹ M-H explains that the station staff person formerly responsible for the public file had retired. M-H concedes that the staff member who dealt with Mr. Hensley during his first visit misunderstood and did not comply with station policy, which was to make the file available during normal business hours to anyone who wished to see it.¹⁰ In any event, M-H contends that the file ultimately given to Mr. Hensley contained more than 500 articles of correspondence concerning the station’s operation. M-H states that, after Mr. Hensley had expressed his belief that additional emails had been sent to the station, it checked its email files and located and printed out the emails for him to review.¹¹ M-H submits that it provided copies of all emails requested by Mr.

³ Letter from Charles W. Kelley, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to McGraw-Hill Broadcasting Co, Inc., dated July 30, 2002 (“First LOI”).

⁴ Letter from P. Frederick Pfenninger to FCC, dated August 13, 2002.

⁵ Letter from Pamela Jones to FCC, (undated) (received August 15, 2002).

⁶ Letter from Canyce McAllister to FCC, dated August 21, 2002.

⁷ Letter from George Price to FCC, dated August 21, 2002.

⁸ Letter from Charles W. Kelley, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to McGraw-Hill Broadcasting Co, Inc., dated July 30, 2002 (“Second LOI”). The Second LOI included the complaints of Mr. Pfenninger, Ms. Jones and Ms. McAllister, but not the complaint of Mr. Price.

⁹ Letter from Donald J. Lundy, Vice President and General Manager to Charles W. Kelley, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, dated August 16, 2002, p. 1 (“M-H First LOI Response”). According to M-H, Mr. Hensley first visited the station on January 8, 2002. It acknowledges that he returned to WRTV(TV) on January 9 and again on January 14, 2002. *Id.*, pp. 1-2.

¹⁰ *Id.*, p. 1.

¹¹ *Id.*, p. 2.

Hensley at no charge within seven days of his first visit.¹² M-H further contends that its public file contained the appropriate coverage map, namely, one submitted in 1999 with the station's most recent antenna change application. M-H states that, with respect to Mr. Hensley's first visit, it regrets the temporary confusion of its staff, which it blames, in part, on Mr. Hensley's "consistently confrontational manner."¹³ M-H also relates that an August 29, 2000, inspection of WRTV(TV)'s public file conducted in connection with the Indiana Broadcasters Association Alternative Broadcast Inspection Program revealed that the file's contents were complete.¹⁴ Finally, M-H states that it is aware of no instance in which the Commission has cited WRTV(TV) for any rule violation since its acquisition of the station 30 years ago.¹⁵

5. In responding to the Bureau's Second LOI, M-H acknowledges that Mr. Pfenninger visited the station. M-H states, however, that the receptionist "had no present recollection" of the specifics of her conversation with Mr. Pfenninger, but related that she would not have told anyone that he needed to make an appointment.¹⁶ M-H regrets if Mr. Pfenninger somehow obtained the impression that he needed to come back another day in order to view the file.¹⁷ As to Ms. Jones, M-H explains that the person in charge of its public file was on vacation at the time of her August 1, 2002, visit to the station. M-H claims that its staff person asked Ms. Jones whether there was anything he could assist her finding in "an effort to be helpful," not to limit her access only to specific items in the public file.¹⁸ With respect to Ms. McAllister, M-H states the station has no record of her having signed in and the staff person in charge of the public file has no recollection of her visit.¹⁹

6. M-H insists that it takes its public file responsibilities seriously, and it provides a Memorandum distributed to all station staff on August 12, 2002, reiterating the station's public file policies.²⁰ The Memorandum notes, among other things, that no person may be required to make an appointment to see the file and that requesters must be provided access to the entire file during normal business hours.²¹ M-H claims that six other persons viewed the station's public file during the months of

¹² *Id.*, p. 3.

¹³ *Id.*

¹⁴ *Id.*, p. 2. *See also id.*, Attachment A (Certificate of Compliance from the Indiana Broadcasters Association Alternative Broadcast Inspection Program, dated August 29, 2000).

¹⁵ *Id.*, p. 4.

¹⁶ Letter from Donald J. Lundy, Vice President and General Manager to Charles W. Kelley, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, dated October 4, 2002, pp. 1-2 ("M-H Second LOI Response").

¹⁷ *Id.*

¹⁸ *Id.*, p. 2.

¹⁹ *Id.*, p. 3.

²⁰ *Id.* *See also* Memorandum from Don Lundy to the Staff, dated August 12, 2002, attached to M-H Second LOI Response ("Memorandum").

²¹ Memorandum, pp. 1-2.

July and August 2002 with no apparent difficulty.²² Finally, M-H notes that the station has conducted staff group training sessions to ensure that all appropriate personnel are aware of the rules and that the station had its public file audited by an entity recommended by the Indiana Broadcasters Association. According to M-H, the audit's only recommendations were that the station remove certain outdated materials from its public file and that persons desiring to view the file receive a written handout describing the station's public file policy – recommendations with which it has complied.²³

7. In rebuttal, Mr. Pfenninger, who visited the station on July 11, 2002, reiterates that the receptionist told him that he would have to return another day after he had made an appointment.²⁴ Mr. Pfenninger's allegations are confirmed and repeated by his son, Jeffrey.²⁵ Ms. McAllister also repeats her claim that the station denied her request for access on her August 15, 2002, visit to the station.²⁶ Finally, Mr. Price declares that he was with Ms. McAllister on August 15, 2002, and that her version of events is accurate. Mr. Price also states that he did not receive any handout regarding the station's public file policy.²⁷ Ms. McAllister and Mr. Price affirmed their statements under penalty of perjury.

III. DISCUSSION

8. Under section 503(b)(1) of the Communications Act of 1934, as amended (the "Act") any person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.²⁸ In order to impose such a forfeiture penalty, the Commission must issue a notice of apparent liability, the notice must be received, and the person against whom the notice has been issued must have an opportunity to show, in writing, why no such forfeiture penalty

²² M-H Second LOI Response, p. 3.

²³ *Id.*, pp. 3-4.

²⁴ Letter from P. Frederick Pfenninger to Charles W. Kelley, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, dated October 31, 2002.

²⁵ Letter from Jeffrey S. Pfenninger to FCC, dated September 24, 2002.

²⁶ Letter from Canyce McAllister to FCC (undated) (received November 5, 2002).

²⁷ Letter from George Price to FCC (undated) (received November 5, 2002).

²⁸ 47 U.S.C. § 503(b)(1)(B); 47 C.F.R. § 1.80(a)(1); *see also* 47 U.S.C. § 503(b)(1)(D) (forfeitures for violation of 18 U.S.C. § 1464). Section 312(f)(1) of the Act defines willful as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law. 47 U.S.C. § 312(f)(1). The legislative history to section 312(f)(1) of the Act clarifies that this definition of willful applies to both sections 312 and 503(b) of the Act, H.R. Rep. No. 97-765, 97th Cong. 2d Sess. 51 (1982), and the Commission has so interpreted the term in the section 503(b) context. *See, e.g., Application for Review of Southern California Broadcasting Co., (MO&O)*, 6 FCC Rcd 4387, 4388 (1991) ("*Southern California Broadcasting Co.*"). The Commission may also assess a forfeiture for violations that are merely repeated, and not willful. *See, e.g., Callais Cablevision, Inc., Grand Isle, Louisiana*, Notice of Apparent Liability for Monetary Forfeiture, 16 FCC Rcd 1359 (2001) (issuing a Notice of Apparent Liability for, *inter alia*, a cable television operator's repeated signal leakage). "Repeated" merely means that the act was committed or omitted more than once, or lasts more than one day. *Southern California Broadcasting Co.*, 6 FCC Rcd at 4388, ¶ 5; *Callais Cablevision, Inc.*, 16 FCC Rcd at 1362, ¶ 9.

should be imposed.²⁹ The Commission will then issue a forfeiture if it finds by a preponderance of the evidence that the person has violated the Act or a Commission rule.³⁰

9. Section 73.3526(a) of the Commission's rules³¹ requires all licensees of commercial broadcast stations to maintain a local public inspection file containing certain designated information. Section 73.3526(c)(1) of the Commission's rules³² provides, in pertinent part: "The file shall be available for public inspection at any time during regular business hours." A licensee "may not require that a member of the public make an appointment in advance or return at another time to inspect the public file, or that members of the public examine the public file only at times most convenient to the licensee of its staff."³³ Moreover, a simple request to see the file should result in an offer to produce the complete file.³⁴

A. M-H Apparently Has Willfully And Repeatedly Violated The Commission's Rules By Failing To Make WRTV(TV)'s Local Public Inspection File Available

10. The issue in this case is whether M-H failed to make the public file for Station WRTV(TV) available for inspection to persons who requested to view the file. Based upon the available record, we find that M-H apparently failed to do so on two separate occasions. As detailed above, M-H admitted that it did not make Station WRTV(TV)'s public file available to Mr. Martin Hensley when he first visited the station in early January 2002 and requested to view the file.³⁵ Instead, he was told he could either wait or make an appointment. In addition, on July 11, 2002, when Mr. P. Frederick Pfenninger and his son Jeffrey visited the station and asked to view the station's public file, M-H did not make the file available to them for inspection.³⁶ After considering and finding deficient the licensee's explanations, we conclude that M-H apparently willfully and repeatedly violated the Commission's public file rules by failing to

²⁹ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80(f).

³⁰ See, e.g., *SBC Communications, Inc.*, 17 FCC Rcd 7589, 7591, ¶ 4 (2002) (forfeiture paid).

³¹ 47 C.F.R. § 73.3526(a).

³² 47 C.F.R. § 73.3526(c)(1).

³³ *Availability of Locally Maintained Records for Inspection by Members of the Public*, 13 FCC Rcd 17959 (Mass Med. Bur. 1998).

³⁴ *In the Matter of Liability of KLDT-TV 55, Inc.*, 10 FCC Rcd 3198, 3199, ¶ 6 (1995). See also *In the Matter of M&R Enterprises, Inc.* (Notice of Apparent Liability for \$10,000), 17 FCC Rcd 5897, 5898, ¶ 7 (Enf. Bur. 2002), (Forfeiture Order), 17 FCC Rcd 14608 (Enf. Bur. 2002) (forfeiture reduced to \$5,000 because of inability to pay); *Availability of Locally Maintained Records for Inspection by Members of the Public*, *supra* note 33, ("such records are to be provided on request to members of the public visiting the station and without requiring that they identify themselves, their organization, or the particular documents they wish to inspect.").

³⁵ See *supra* note 9. We find immaterial that Mr. Hensley and M-H do not agree about the date of his first visit (January 8 or 9, 2002), as both Mr. Hensley and M-H agree that he visited the station in early January 2002, and that he requested, but could not view, the station's public file.

³⁶ See *supra* paragraph 5. Although M-H apparently disputes that the receptionist asked Mr. Pfenninger and his son to make an appointment, it does not dispute that it failed to produce the station's public file on the date of their visit.

make the file available to the complainants named above.

11. However, we do not find apparent liability with respect to the complainants' other allegations. As to Mr. Hensley's allegation that M-H failed to show him correspondence to the station dated more than three years old, the public file must include "[a]ll written comments and suggestions received from the public [with certain specified exceptions]. . . . Letters and electronic mail messages shall be retained for a period of three years from the date on which they are received by the licensee."³⁷ Thus, M-H's production of files in 2002, which contained letters from the years 1999-2001, was consistent with the rule's requirements. Likewise, Mr. Hensley's allegations that M-H failed to have had in its file an appropriate coverage map does not establish a violation of section 73.3526(e)(4) of the Commission's rules³⁸ because Mr. Hensley did not provide sufficient information for us to determine that the map in the station's public file was not accurate or current. With respect to the allegations made by Ms. Pamela Jones, we note that M-H made available to her the documents she wished to see, and we deem reasonable the station employee's explanation that he was trying to assist Ms. Jones rather than restrict her access to the file. Likewise, it appears that M-H allowed Mr. George Price to view that part of the public file that he asked to see. Consequently, we find unpersuasive the claims advanced by Ms. Canyce McAllister in view of the fact that her companion, Mr. Price, acknowledged seeing specific items from the Station WRTV(TV)'s public file on the same day and at the same time that Ms. McAllister went to the station.

B. Proposed Forfeiture Amount

12. Section 503(b) of the Act,³⁹ authorizes the Commission to assess a forfeiture penalty of up to \$27,500 for each violation, or each day of a continuing violation, up to a statutory maximum of \$300,000 for a single act or failure to act if the violator is a broadcast station licensee.⁴⁰ In determining the appropriate amount, we consider the factors enumerated in Section 503(b)(2)(D) of the Act,⁴¹ including "the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."⁴²

13. Section 1.80 of the Commission's rules⁴³ and the Commission's *Forfeiture Policy Statement* establish a base forfeiture of \$10,000 for violation of public file rules. As detailed above, it appears that

³⁷ 47 C.F.R. § 73.3526(e)(9)(i).

³⁸ 47 C.F.R. § 73.3526(e)(4) states in pertinent part that the public file must include a: "copy of any service contour maps submitted with any application . . . as long as they reflect current, accurate information regarding the station."

³⁹ 47 U.S.C. § 503(b)

⁴⁰ See also section 1.80(b)(1) of the Commission's rules, 47 C.F.R. 1.80(b)(1); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Forfeiture Maxima to Reflect Inflation*, 15 FCC Rcd 18221, 18223 (2000).

⁴¹ 47 U.S.C. § 503(b)(2)(D).

⁴² See also *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087, 17100-01, ¶ 27 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) ("*Forfeiture Policy Statement*"); section 1.80(b)(4) of the Commission's rules, 47 C.F.R. § 1.80(b)(4).

⁴³ 47 C.F.R. § 1.80.

M-H, on two different dates, did not make its public file available for inspection when requested to do so, contrary to section 73.3526(c) of the Commission's rules.⁴⁴ Offsetting these apparent violations is the licensee's history, which shows no previous violations of the Commission's rules over a 30-year period.⁴⁵ Based on these factors and the particular circumstances of this case, we find that M-H is apparently liable for a forfeiture penalty of \$8,000 for its apparent willful and repeated failures to make the public file of Station WRTV(TV) available for inspection.⁴⁶

IV. ORDERING CLAUSES

14. ACCORDINGLY, IT IS ORDERED, pursuant to Section 503(b) of the Act,⁴⁷ and sections 0.111, 0.311, and 1.80 of the Commission's rules,⁴⁸ that McGraw-Hill Broadcasting Co., Inc. is hereby NOTIFIED of its APPARENT LIABILITY FOR FORFEITURE in the amount of Eight Thousand Dollars (\$8,000.00) for willfully and repeatedly violating section 73.3526(c) of the Commission's rules.⁴⁹

15. IT IS FURTHER ORDERED, pursuant to section 1.80(f)(3) of the Commission's rules⁵⁰ that within thirty (30) days of the release of this Notice, M-H SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

16. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment MUST INCLUDE the FCC Registration Number (FRN) referenced above and also should note the NAL/Acct. No. referenced above.

17. The response, if any, must be mailed to Maureen F. Del Duca, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W.,

⁴⁴ 47 C.F.R. § 73.3526(c).

⁴⁵ Although Station WRTV(TV) received a certificate of compliance in August 2000 from the Indiana Broadcasters Association Alternative Inspection Program, M-H still failed repeatedly in 2002 to make its file available to complainants. Its compliance certificate does not insulate it from enforcement action based on complaints.

⁴⁶ See *In the Matter of M & R Enterprises, Inc.*, 17 FCC Rcd 5897 (Enf. Bur. 2002) (Notice of Apparent Liability for \$10,000 for failing to make its public file available to three persons on two dates), 17 FCC Rcd 14608 (Enf. Bur. 2002) (Forfeiture Order for \$5,000; amount reduced due to demonstrated inability to pay). See also *Riverside Broadcasting, Inc.*, 15 FCC Rcd 18322 (Enf. Bur. 2000) (NAL paid; licensee found apparently liable for \$10,000 forfeiture for denying access to station's public inspection file on two dates). Notwithstanding the two violations here, we have opted to reduce the forfeiture from \$10,000 to \$8,000 in light of M-H's overall record of compliance.

⁴⁷ 47 U.S.C. § 503(b).

⁴⁸ 47 C.F.R. §§ 0.111, 0.311 and 1.80.

⁴⁹ 47 C.F.R. § 73.3526(c).

⁵⁰ 47 C.F.R. § 1.80(f)(3).

Room 3-B443, Washington DC 20554 and MUST INCLUDE the NAL/Acct. No. referenced above.

18. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ("GAAP"); or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

19. Requests for payment of the full amount of this Notice of Apparent Liability under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁵¹

20. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the Commission is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If M-H qualifies as a small entity and if it wishes to be treated as a small entity for tracking purposes, it should so certify to the Commission within thirty (30) days of this NAL, either in its response to the NAL or in a separate filing to be sent to the Investigations and Hearings Division. M-H's certification should indicate whether M-H, including its parent entity and its subsidiaries, meets one of the definitions set forth in the list provided by the Commission's Office of Communications Business Opportunities (OCBO) set forth in Attachment B of this Notice of Apparent Liability. This information will be used for tracking purposes only. M-H's response or failure to respond to this question will have no effect on its rights and responsibilities pursuant to Section 503(b) of the Act. If M-H has questions regarding any of the information contained in Attachment B, it should contact OCBO at (202) 418-0990.

21. IT IS FURTHER ORDERED that a copy of this Notice shall be sent, by Certified Mail/Return Receipt Requested, to Don Lundy, Vice President/General Manager, McGraw-Hill Broadcasting Co., Inc., 1330 North Meridian Street, Indianapolis, Indiana 46202-2364, with an additional copy to Arthur B. Goodkind, Esq., Holland & Knight, LLP, 2099 Pennsylvania Avenue, N.W., Suite 100, Washington, D.C., 20006-6801.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁵¹ See 47 C.F.R. § 1.1914.

October 2002

ATTACHMENT B

FCC List of Small Entities

As described below, a “small entity” may be a small organization, a small governmental jurisdiction, or a small business.

(1) Small Organization	
Any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.	
(2) Small Governmental Jurisdiction	
Governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.	
(3) Small Business	
Any business concern that is independently owned and operated and is not dominant in its field, <i>and</i> meets the pertinent size criterion described below.	
Industry Type	Description of Small Business Size Standards
<i>Cable Services or Systems</i>	
Cable Systems	Special Size Standard – Small Cable Company has 400,000 Subscribers Nationwide or Fewer
Cable and Other Program Distribution	\$12.5 Million in Annual Receipts or Less
Open Video Systems	
<i>Common Carrier Services and Related Entities</i>	
Wireline Carriers and Service providers	1,500 Employees or Fewer
Local Exchange Carriers, Competitive Access Providers, Interexchange Carriers, Operator Service Providers, Payphone Providers, and Resellers	

Note: With the exception of Cable Systems, all size standards are expressed in either millions of dollars or number of employees and are generally the average annual receipts or the average employment of a firm. Directions for calculating average annual receipts and average employment of a firm can be found in 13 CFR 121.104 and 13 CFR 121.106, respectively.

International Services	
International Broadcast Stations	\$12.5 Million in Annual Receipts or Less
International Public Fixed Radio (Public and Control Stations)	
Fixed Satellite Transmit/Receive Earth Stations	
Fixed Satellite Very Small Aperture Terminal Systems	
Mobile Satellite Earth Stations	
Radio Determination Satellite Earth Stations	
Geostationary Space Stations	
Non-Geostationary Space Stations	
Direct Broadcast Satellites	
Home Satellite Dish Service	
Mass Media Services	
Television Services	\$12 Million in Annual Receipts or Less
Low Power Television Services and Television Translator Stations	
TV Auxiliary, Special Broadcast and Other Program Distribution Services	
Radio Services	\$6 Million in Annual Receipts or Less
Radio Auxiliary, Special Broadcast and Other Program Distribution Services	
Multipoint Distribution Service	Auction Special Size Standard – Small Business is less than \$40M in annual gross revenues for three preceding years
Wireless and Commercial Mobile Services	
Cellular Licensees	1,500 Employees or Fewer
220 MHz Radio Service – Phase I Licensees	
220 MHz Radio Service – Phase II Licensees	Auction special size standard - Small Business is average gross revenues of \$15M or less for the preceding three years (includes affiliates and controlling principals) Very Small Business is average gross revenues of \$3M or less for the preceding three years (includes affiliates and controlling principals)
700 MHZ Guard Band Licensees	
Private and Common Carrier Paging	1,500 Employees or Fewer
Broadband Personal Communications Services (Blocks A, B, D, and E)	
Broadband Personal Communications Services (Block C)	Auction special size standard - Small Business is \$40M or less in annual gross revenues for three previous calendar years Very Small Business is average gross revenues of \$15M or less for the preceding three calendar years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Broadband Personal Communications Services (Block F)	
Narrowband Personal Communications Services	

Rural Radiotelephone Service	1,500 Employees or Fewer
Air-Ground Radiotelephone Service	
800 MHz Specialized Mobile Radio	Auction special size standard - Small Business is \$15M or less average annual gross revenues for three preceding calendar years
900 MHz Specialized Mobile Radio	
Private Land Mobile Radio	1,500 Employees or Fewer
Amateur Radio Service	N/A
Aviation and Marine Radio Service	1,500 Employees or Fewer
Fixed Microwave Services	
Public Safety Radio Services	Small Business is 1,500 employees or less Small Government Entities has population of less than 50,000 persons
Wireless Telephony and Paging and Messaging	1,500 Employees or Fewer
Personal Radio Services	N/A
Offshore Radiotelephone Service	1,500 Employees or Fewer
Wireless Communications Services	Small Business is \$40M or less average annual gross revenues for three preceding years Very Small Business is average gross revenues of \$15M or less for the preceding three years
39 GHz Service	
Multipoint Distribution Service	Auction special size standard (1996) – Small Business is \$40M or less average annual gross revenues for three preceding calendar years Prior to Auction – Small Business has annual revenue of \$12.5M or less
Multichannel Multipoint Distribution Service	\$12.5 Million in Annual Receipts or Less
Instructional Television Fixed Service	
Local Multipoint Distribution Service	Auction special size standard (1998) – Small Business is \$40M or less average annual gross revenues for three preceding years Very Small Business is average gross revenues of \$15M or less for the preceding three years
218-219 MHz Service	First Auction special size standard (1994) – Small Business is an entity that, together with its affiliates, has no more than a \$6M net worth and, after federal income taxes (excluding carryover losses) has no more than \$2M in annual profits each year for the previous two years New Standard – Small Business is average gross revenues of \$15M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates) Very Small Business is average gross revenues of \$3M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Satellite Master Antenna Television Systems	\$12.5 Million in Annual Receipts or Less
24 GHz – Incumbent Licensees	1,500 Employees or Fewer
24 GHz – Future Licensees	Small Business is average gross revenues of \$15M or less for the preceding three years (includes affiliates and persons or

	entities that hold interest in such entity and their affiliates) Very Small Business is average gross revenues of \$3M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Miscellaneous	
On-Line Information Services	\$18 Million in Annual Receipts or Less
Radio and Television Broadcasting and Wireless Communications Equipment Manufacturers	750 Employees or Fewer
Audio and Video Equipment Manufacturers	
Telephone Apparatus Manufacturers (Except Cellular)	1,000 Employees or Fewer
Medical Implant Device Manufacturers	500 Employees or Fewer
Hospitals	\$29 Million in Annual Receipts or Less
Nursing Homes	\$11.5 Million in Annual Receipts or Less
Hotels and Motels	\$6 Million in Annual Receipts or Less
Tower Owners	(See Lessee's Type of Business)